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c Pr23 City of Ottawa Act, 1984

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CHAPTER Pr23

An Act respecting the City of Ottawa*Assented to November 27th, 1984*

Whereas The Corporation of the City of Ottawa, herein called the Corporation, hereby represents that it is desirable that it be given the power to acquire real property outside the City of Ottawa for the purpose of erecting fire stations; that it is also desirable that its private legislation related to pedestrian promenades be re-enacted so as to consolidate the several provisions related thereto and to amend the said legislation so that the council of the Corporation will have the power to determine the qualifications of the members of pedestrian promenade authorities and to determine their terms of office; and whereas the Corporation hereby applies for special legislation for such purposes; and whereas it is expedient to grant the application;

Preamble

Therefore, Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1.—(1) The Corporation, with the consent of the council of the area municipality where the real property is located, may,

Acquisition of land for firehalls outside city limits

(a) acquire by gift or purchase;

(b) subject to the *Expropriations Act*, expropriate; or

R.S.O. 1980, c. 148

(c) lease,

any real property outside the City of Ottawa, but within the Regional Area of Ottawa-Carleton, that is desirable for the establishment and operation of one or more fire stations, on such terms and conditions as the council of the Corporation considers appropriate.

(2) The Corporation may sell or otherwise dispose of any real property acquired under clause (1) (a) or (b) when the council of the Corporation is of the opinion that the real property is no longer required for municipal purposes.

Disposition of land

Interpretation
R.S.O. 1980,
c. 439 (3) For the purpose of this section, "area municipality" and "Regional Area" have the same meaning as in the *Regional Municipality of Ottawa-Carleton Act*.

Interpretation **2.—**(1) In this section, "authority" means a pedestrian promenade authority established under subsection (7) or under a predecessor thereof.

Pedestrian
promenades
R.S.O. 1980,
c. 302 (2) Notwithstanding the *Municipal Act*, on the petition of or with the consent of a majority of the owners representing at least one-half of the value of the lots to be assessed and subject to the approval of the Ontario Municipal Board, the council of the Corporation may pass by-laws for establishing all or any part of any highway under the jurisdiction of the Corporation or The Regional Municipality of Ottawa-Carleton solely or principally as a pedestrian promenade and for prohibiting the use thereof by vehicles or any class thereof, and for permitting the obstruction of the promenade in such manner and to such extent as the council of the Corporation may consider desirable.

Idem (3) A by-law passed under subsection (2) with respect to a highway under the jurisdiction of The Regional Municipality of Ottawa-Carleton shall not come into effect until it is approved by the Regional Council by by-law and the Regional Council may, as a condition of its approval, impose such terms and conditions as it considers appropriate.

Minister's
approval (4) No by-law passed under subsection (2) and no by-law that amends or repeals any such by-law shall come into force without the approval of the Minister of Transportation and Communications.

No right to
damages (5) Notwithstanding any general or special Act, no person shall be entitled to recover any damages or compensation from the Corporation for loss of business or for loss of access to or from any highway or for any injurious affection to land, as defined in the *Assessment Act*, arising from the exercise by the Corporation of its powers under this section.

Apportionment
of costs (6) Subject to the approval of the Ontario Municipal Board, the cost of establishing, operating and maintaining a pedestrian promenade in the City of Ottawa shall be apportioned between the Corporation and owners of property abutting on a pedestrian promenade as the council of the Corporation may prescribe and the owners' portion of the cost shall be specially assessed upon the lots abutting directly on a pedestrian promenade, and in this respect the provisions of the *Local Improvement Act* apply with necessary modifications.

R.S.O. 1980,
c. 250

(7) The council of the Corporation may by by-law establish pedestrian promenade authorities and may entrust to an authority the construction, maintenance, control, operation and management of one or more pedestrian promenades within the City of Ottawa as set out in the by-law.

Pedestrian
promenade
authorities

(8) Each authority is a body corporate.

Body
corporate

(9) The council of the Corporation shall by by-law for each authority,

Membership

(a) prescribe the numbers of members of the authority;

(b) determine the conditions of eligibility for appointment as members of the authority; and

(c) determine the term of office for the members, which term may be different for different members.

(10) Where a vacancy in an authority occurs from any cause, the council shall appoint immediately a person qualified, as set out in a by-law passed under subsection (9), to be a member and the person so appointed shall hold office for the remainder of the term for which the person's predecessor was appointed.

Vacancies

(11) A member of an authority is eligible for reappointment on the expiration of the member's term of office.

Reappoint-
ment

(12) The members of an authority may be paid such salary or other remuneration as may be fixed by a by-law of the council.

Remuner-
ation

(13) Upon the passing of the by-law establishing an authority, all the powers, rights, duties, obligations, authorities and privileges conferred on and duties imposed on the Corporation by any general or special Act with respect to the construction, maintenance, operation and management of the pedestrian promenade or promenades described in the by-law shall be exercised by the authority, but subject to such limitations as the by-law may provide.

Powers

3. The following are repealed:

1. Section 3 of *The City of Ottawa Act, 1960*, being chapter 161.
2. *The City of Ottawa Act, 1965*, being chapter 163.

3. Section 3 of *The City of Ottawa Act, 1980*, being chapter 119.
4. The *City of Ottawa Act, 1982*, being chapter 82.

Commence-
ment

4. This Act comes into force on the day it receives Royal Assent.

Short title

5. The short title of this Act is the *City of Ottawa Act, 1984*.